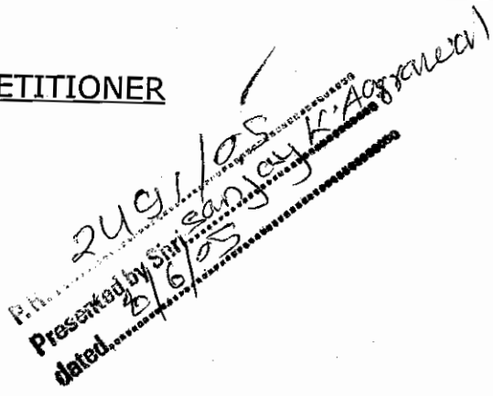
C.F. 100/- (3) (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 3132 /2005

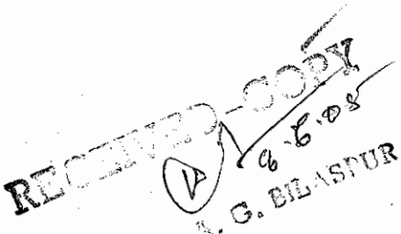
PETITIONER



Jagarnath Tiwari, aged about 42 years, Son of Shri Ram Pratap Tiwari, R/o. Premnagar, Chakradhar Nagar, Raigarh.

VERSUS

RESPONDENTS



1. Municipal Corporation Raigarh, Through – Commissioner, Municipal Corporation, Raigarh.
2. Collector, Raigarh (C.G.)
3. Joint Director, Town and Country Planning, Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.3132/सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25-7-2005

Heard Mr. Ashok Soni, counsel for the petitioner, on admission.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, questioning the legality of notice dated 4-6-2005 (Annexure P-7) asking the petitioner to remove encroachment from the Government Nazul land.

It is mentioned that by encroaching upon the Nazul land, the petitioner has constructed house without permission of the municipality, and show cause notice was issued to the petitioner on 15-2-2005, but the petitioner refused to take that notice. Accordingly, the notice was affixed on the house of the petitioner. The petitioner was not able to produce any document, therefore, the petitioner was asked to remove encroachment within 24 hours, otherwise, the Municipal Corporation will remove encroachment forcefully. Even after this notice, the petitioner has not approached the Municipal Corporation by filing reply and showing the relevant documents, and he directly approached this Court.

In the circumstances, the petitioner should first approach the Municipal Corporation, Raigarh, within 7 days from today by filing reply and showing documentary evidence that the land in question was granted on lease to him and the house in question has been constructed by him on that land with due permission. After receiving such reply the Commissioner, Municipal Corporation, Raigarh, should consider the same and pass order, in

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.3132/ सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित – 2 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

accordance with law. Till the decision on reply of the petitioner, the respondents should not act upon notice dated 4-6-2005 (Annexure P-7).

With the directions aforesaid, the petition stands disposed of, at the admission stage itself.

Consequently, M.(W.)P.No.2645/2005 and I.A.No.6172/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

(पीछे देखिये)